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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,643	08/07/2003	Kenjiro Morimoto	K6510.0062/P062	8803
24998	7590	02/18/2009	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				MIRZA, ADNAN M
ART UNIT		PAPER NUMBER		
2445				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,643	MORIMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ADNAN M. MIRZA	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 August 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al (U.S. 2002/0046050) and further in view of Sasaki et al (U.S. 6,298,374).

1. As per claim 1 Nakazawa disclosed a control method for a network system to which a plurality of information processing systems are connected, comprising the steps of: photographing a part of a virtual space shared by the plurality of information processing systems by one of the information processing systems (Page. 2, Paragraph. 0039); transmitting information of photographing or having photographed to the other information processing systems (Page. 4, Paragraph. 0085).

However Nakazawa did not disclose in detail executing a photographing effect when photographed.

In the same field of endeavor Sasaki disclosed, “The user A who moved to a user terminal apparatus joining a virtual space B is photographed by the camera 3 together with a user D who

is present at this physical position, and an image of substitutes created from a picture of both is displayed (Col. 8, lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated The user A who moved to a user terminal apparatus joining a virtual space B is photographed by the camera 3 together with a user D who is present at this physical position, and an image of substitutes created from a picture of both is displayed as taught by Sasaki in the method and system of Nakazawa to improve accounting capability that resulted in reduce cost.

2. As per claim 2 Nakazawa-Sasaki disclosed further comprising the step of: specifying an object for said one information processing system to photograph, the information of having photographed including information of the specified object (Nakazawa, Page. 3, Paragraph. 0070), the information processing system alone associated with the specified object of said other information processing systems executing the photographing effect (Sasaki, col. 8, lines 1-5).

3. As per claim 3 Nakazawa-Sasaki disclosed further comprising the step of: specifying a character for said one information processing system to photograph, the information of photographing being transmitted to the information processing system associated with the specified character (Nakazawa, Page. 2, Paragraph. 0039), said one information processing system photographing the character when the character takes a prescribed pose toward

photographing means used by said one information processing system (Nakazawa, Page. 3, Paragraph. 0074).

4. As per claim 4 Nakazawa-Sasaki disclosed further comprising the step of: specifying a character for said one information processing system to photograph, the information of photographing being transmitted to the information processing system associated with the specified object (Nakazawa, Page. 3, Paragraph. 0070), said one information processing system photographing said object after receiving from the information processing system associated with the object information of permitting photographing (Nakazawa, Page. 3, Paragraph. 0080).

5. As per claim 5 Nakazawa-Sasaki disclosed further comprising the steps of: counting times of the respective information processing systems being photographed, and executing events which are different depending on times of the respective information processing systems being photographed (Nakazawa, Page. 3, Paragraph. 0081).

6. As per claims 6,9 Nakazawa-Sasaki disclosed A control method for a network system to which a plurality of information processing systems are connected, comprising the steps of: photographing by one information processing system a part of a virtual space shared by said plurality of information processing systems (Nakazawa, Page. 2, Paragraph. 0039), and executing a photographing effect at least one of said plurality of information processing systems, the photographing effect spontaneously visibly lighting the part of the virtual space (Sasaki, Col. 8, lines 1-5).

7. As per claims 7,26-29 Nakazawa-Sasaki disclosed A control method for a network system to which a plurality of information processing systems are connected, comprising the steps of: photographing by one information processing system a part of a virtual space shared by said plurality of information processing systems (Nakazawa, Page. 2, Paragraph. 0004), and producing an image photographed by said one information processing system, an image which is invisible in the virtual space viewed by said one information processing system being included in the photographed image (Sasaki, col. 4, lines 29-41).
8. As per claim 8 Nakazawa-Sasaki disclosed wherein said invisible image is a copyright indication ((Nakazawa, Page. 6, Paragraph. 0108)).
9. As per claims 10-17 Nakazawa-Sasaki disclosed wherein until a prescribed period of time passes from the previous photographing operation, photographing is impossible, or the information of permitting photographing is not transmitted; and “no photographing” indication is made in the information processing system which is to photograph (Nakazawa, Page. 6, Paragraph. 0110).
10. As per claims 18-25 Nakazawa-Sasaki disclosed wherein upon photographing, said one information processing system stores information of a photograph image (Nakazawa, Page. 6, Paragraph. 0110).

11. As per claims 30-33 Nakazawa-Sasaki disclosed an information storage medium for storing the program for executing one step of the method (Nakazawa, Page. 3, Paragraph. 0080).

12. As per claims 34-37 Nakazawa-Sasaki disclosed an electronic device for executing one step of the method (Sasaki, col. 4, lines 29-41).

***Conclusion***

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

14. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)-272-3949. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/Adnan M Mirza/

Examiner, Art Unit 2445

/Larry D Donaghue/

Primary Examiner, Art Unit 2454